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105TH CONGRESS
1ST SESSION

H. R. 521

To amend title XVIII of the Social Security Act to make certain changes to hospice care under the medicare program.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1997

Mr. CARDIN (for himself, Mr. PORTMAN, Mrs. KENNELLY of Connecticut, Ms. FURSE, Mr. ACKERMAN, Mr. UNDERWOOD, Mr. STARK, Mr. SOLOMON, Mrs. CLAYTON, Mr. MILLER of Florida, Ms. SLAUGHTER, Mr. TOWNS, Mr. GUTIERREZ, Mr. LAFALCE, Mr. HALL of Ohio, Mr. EVANS, Mr. FROST, Mr. LEWIS of Georgia, Mr. ENGLISH of Pennsylvania, Mrs. THURMAN, Mr. POSHARD, Mr. QUINN, Mr. WYNN, Mr. GRAHAM, Ms. PRYCE of Ohio, Mr. MASCARA, Mr. MATSUI, Mr. NEY, Mr. LAZIO of New York, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. McNULTY, Mr. STENHOLM, Mr. GILLMOR, Mr. CONDIT, Mr. GEJDENSON, Mr. SKAGGS, Ms. CHRISTIAN-GREEN, Mr. WATT of North Carolina, Mr. BARRETT of Wisconsin, Mr. ABERCROMBIE, Mr. RUSH, Mr. GREENWOOD, Ms. DUNN, Mrs. MALONEY of New York, Mr. FAZIO of California, Mr. LEWIS of Kentucky, Mr. HOLDEN, Mr. FOLEY, Mr. FOGLIETTA, Mr. OLVER, Mr. DELAHUNT, Mr. BURR of North Carolina, Mr. BUNNING, Mr. YATES, Mr. RAHALL, Mr. WISE, Mr. TORRES, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to make certain changes to hospice care under the medicare program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Hospice Ben-
3 efit Amendments of 1997”.

4 **SEC. 2. HOSPICE CARE BENEFIT PERIODS.**

5 (a) **RESTRUCTURING OF BENEFIT PERIOD.**—Section
6 1812 of the Social Security Act (42 U.S.C. 1395d) is
7 amended in subsections (a)(4) and (d)(1), by striking “,
8 a subsequent period of 30 days, and a subsequent exten-
9 sion period” and inserting “and an unlimited number of
10 subsequent periods of 60 days each”.

11 (b) **CONFORMING AMENDMENTS.**—(1) Section 1812
12 of such Act (42 U.S.C. 1395d) is amended in subsection
13 (d)(2)(B) by striking “90- or 30-day period or a subse-
14 quent extension period” and inserting “90-day period or
15 a subsequent 60-day period”.

16 (2) Section 1814(a)(7)(A) of such Act (42 U.S.C.
17 1395f(a)(7)(A)) is amended—

18 (A) in clause (i), by inserting “and” at the end;

19 (B) in clause (ii)—

20 (i) by striking “30-day” and inserting “60-
21 day”; and

22 (ii) by striking “, and” at the end and in-
23 serting a period; and

24 (C) by striking clause (iii).

1 **SEC. 3. OTHER ITEMS AND SERVICES INCLUDED IN HOS-**
2 **PICE CARE.**

3 Section 1861(dd)(1) of the Social Security Act (42
4 U.S.C. 1395x(dd)(1)) is amended—

5 (1) in subparagraph (G), by striking “and” at
6 the end;

7 (2) in subparagraph (H), by striking the period
8 at the end and inserting “, and”; and

9 (3) by inserting after subparagraph (H) the fol-
10 lowing:

11 “(I) any other item or service which is specified
12 in the plan and for which payment may otherwise be
13 made under this title.”.

14 **SEC. 4. CONTRACTING WITH INDEPENDENT PHYSICIANS**
15 **OR PHYSICIAN GROUPS FOR HOSPICE CARE**
16 **SERVICES PERMITTED.**

17 Section 1861(dd)(2) of the Social Security Act (42
18 U.S.C. 1395x(dd)(2)) is amended—

19 (1) in subparagraph (A)(ii)(I), by striking
20 “(F),”; and

21 (2) in subparagraph (B)(i), by inserting “or
22 under contract with” after “employed by”.

1 **SEC. 5. WAIVER OF CERTAIN STAFFING REQUIREMENTS**
2 **FOR HOSPICE CARE PROGRAMS IN NON-UR-**
3 **BANIZED AREAS.**

4 Section 1861(dd)(5) of the Social Security Act (42
5 U.S.C. 1395x(dd)(5)) is amended—

6 (1) in subparagraph (B), by inserting “or (C)”
7 after “subparagraph (A)” each place it appears; and

8 (2) by adding at the end the following:

9 “(C) The Secretary may waive the requirements of
10 paragraph (2)(A)(i) and (2)(A)(ii) for an agency or orga-
11 nization with respect to the services described in para-
12 graph (1)(B) and, with respect to dietary counseling,
13 paragraph (1)(H), if such agency or organization—

14 “(i) is located in an area which is not an urban-
15 ized area (as defined by the Bureau of Census), and

16 “(ii) demonstrates to the satisfaction of the
17 Secretary that the agency or organization has been
18 unable, despite diligent efforts, to recruit appro-
19 priate personnel.”.

20 **SEC. 6. LIMITATION ON LIABILITY OF BENEFICIARIES AND**
21 **PROVIDERS FOR CERTAIN HOSPICE COV-**
22 **ERAGE DENIALS.**

23 Section 1879(g) of the Social Security Act (42 U.S.C.
24 1395pp(g)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking “is,” and inserting “is—”;

(3) by making the remaining text of subsection (g), as amended, that follows “is—” a new paragraph (1) and indenting such paragraph 2 ems to the right;

(4) by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following new paragraph:

“(2) with respect to the provision of hospice care to an individual, a determination that the individual is not terminally ill.”.

SEC. 7. EXTENDING THE PERIOD FOR PHYSICIAN CERTIFICATION OF AN INDIVIDUAL'S TERMINAL ILLNESS.

Section 1814(a)(7)(A)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(A)(i)(II)) is amended by striking “, not later than 2 days after hospice care is initiated (or, if each certify verbally not later than 2 days after hospice care is initiated, not later than 8 days after such care is initiated),” and inserting “at the beginning of the period”.

1 SEC. 8. EFFECTIVE DATE.

2 The amendments made by this Act apply to benefits
3 provided on or after the date of the enactment of this Act,
4 regardless of whether or not an individual has made an
5 election under section 1812(d) of the Social Security Act
6 (42 U.S.C. 1395d(d)) before such date.

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